

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 4685

Shuichiro INOUE

Art Unit: 2828

S. N. 10/554,006

Examiner: Stafford, Patrick

Filed: October 21, 2005

For: SINGLE-PHOTON GENERATOR

REASONS ATTACHMENT WITH REQUEST FOR PRE-APPEAL BRIEF REQUEST FOR
REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the rejections be reconsidered.

It is respectfully submitted that the Office Action is in clear error in that it does not address applicant's arguments, but instead re-states the arguments to be different than what applicant argued, and then proceeds to reject based on the re-stated argument, which is different from what applicant argued. Accordingly, the rejection is believed to contain clear errors.

In the Final Rejection, discussing the applicant's arguments on the main reference patent 7088824 to Takeuchi (hereinbelow, Takeuchi '824) discussing when considered for what it actually teaches or suggests, Takeuchi '824 is lacking such that the combination does not teach or suggest the claims, the Final Office Action states:

Applicant argues that Takeuchi '824 only teaches a long detection time but not a long

detection period, Takeuchi '824 teaches the detection time being long and the period of this time is subsequently long as the period is the repeated detection time. Therefore, Takeuchi '824 teaches a long detection period.

Applicant did not argue that Takeuchi '824 only teaches a long detection time. As argued by applicant previously, this 100 ns time span in Takeuchi '824 (discussed at column 4, lines 43-51) is discussion the dead time of the detector, not the gate period of detection. Applicant specifically stated:

"Column 4, lines 43-51 do not mean that the detection period is long."

Applicant respectfully states that it did not, as the Office Action seems to assert, argue to the Examiner that Takeuchi teaches a long detection time. Quite the opposite.

Further, the prior arguments submitted stated that the dead time is the amount of time it takes to enable the detector to detect a next photon after a prior photon has been detected.

The Office Action seems to be re-wording the arguments applicant made to be other, different words than actually argued, and then proceeds to address the re-worded arguments, which are different than what applicant did argue, such that the re-worded arguments fit the rejection, rather than addressing the applicant's point that Takeuchi '824 does not teach a long gate period. It is respectfully submitted that the Office Action does not directly respond to the arguments submitted, but instead re-

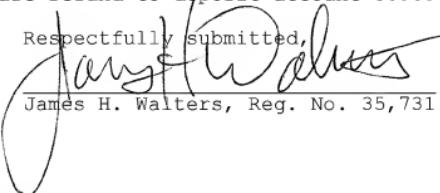
words the arguments to be something different than was actually argued.

It is respectfully submitted that this would qualify as clear error such that the Final Rejection should be withdrawn.

Applicant respectfully submits that the Takeuchi document does not have any discussion of the gate period of the detector, only as noted before in the response, that the 100 ns period the Office Action refers to is not related to the gate period of the detector.

In view of the above and the prior submitted responses, it is respectfully requested that the rejections be reconsidered and that the application be allowed.

It is believed that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,

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Certification of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office via the EFS system on this July 21, 2010.

